Single Bench

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CF (1007) SOR

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT

BILASPUR

W. P. (S) NO. 4724 / 2006

Petitioners : 1. Mangar Sai Ram
S/o Late Lallu Ram
Aged about 33 years,
Asst.Teacher Government Primary School, Basti, Baikuntpur , Dist : Korea-(C.G.)

P.R. No. 42646
Presented by Shri Anil Sinha
dated 29/12/06

2. Tempu Ram,
S/o Late Chattu Ram,
Aged about 36 years,
Asst. Teacher Adim Jati Kalyan Vibhag, Primary School, Diwani Bandh, Baikuntpur, Dist : Korea-(C.G.)

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3. Smt. Kiran Kumudani Tirki
W/o Shri Anand Prakash Tirki,
Aged about 38 years,
Primary school Mahalpara, Baikuntpur,, Dist : Korea-(C.G.)

Versus

Respondents :1. State of Chhattisgarh
Through - The Education Department, D.K.S. Bhawan, Raipur, Dist : Raipur-(C.G.)

2. The Director,
Public Instruction Department, Raipur- (C.G.)

3. District Education Officer,
District : Korea-(C.G.)
Head Office - Baikuntpur-(C.G.)

4. Dy. Director(Education)
Dist : Korea-(C.G.)
Head Office - Baikuntpur-(C.G.)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC TO DO JUSTICE IN THE

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4725/06 **सन् 200**

(45)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1.9.2006

Mr. Anil Singh Rajput, Advocate for the petitioner.

Miss. Deepali Pandey, P.L. for the State on advance copy.

Heard.

By this writ petition, the petitioners have prayed for a direction against the respondents to pay the increment and seniority from the date of their initial appointment in the light of the order dated 4.8.2005 (Annexure P-2) and also as per Annexure P-3 passed in compliance of the orders passed by this Hon'ble Court.

The case of the petitioners is that they were initially appointed as Assistant Teachers in the School Education Department on probation for a period of two years. However, later on after completion of two years tenure the petitioners were regularized but they are not being given the regular pay scale. Other similarly situated teachers moved before the High Court of Madhya Pradesh, Jabalpur for regular pay scale and the matter ultimately decided in the year 2004 vide L.P.A. No.135/2004 in favour of the Assistant Teachers and in compliance of aforesaid order, an order dated 4.8.2005 has been for payment of increment of probation period to the Assistant Teachers. The petitioners made several representations to accord same treatment as they are also similarly situated Teachers, but the respondents have not paid any heed, therefore, they are forced to file this writ petition.

Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.2 to give similar treatment to the petitioners and the same pay scale which has been sanctioned to other similarly situated

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

(46)

आदेश पत्रक (पूर्वानुबद्ध)

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teachers on account of the order Annexure P-2 passed in compliance of the order passed in L.P.A. No.135/2004, to which learned counsel appearing for the State/ respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the limited prayer made by learned counsel for the petitioners appears to be just, fair and reasonable. Therefore, without expressing any opinion on the merit of case, the petitioners are allowed to make a representation along with copy of this petition and annexures to respondent No.2 within a period of ten days from today raising all their grievances and in turn, respondent No.2 shall decide the same in an objective manner within a period of 30 days from the date of its receipt, after considering all the points raised by the petitioners and taking into account the order passed by the Madhya Pradesh High Court in L.P.A. No.135/2004, and if the present petitioners stand on the same footing as the petitioners in L.P.A. No.135/2004, then they be also sanctioned the same pay scale.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

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